



Docket No. 2024730-7033212001
(03-168)

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Joseph C. Eder et al.

Serial No.: 10/716,641

Filed: November 18, 2003

For: APPARATUS FOR MIXING AND
DISPENSING A MULTI-COMPONENT
BONE CEMENT

Group Art Unit: 1723

Confirmation No.: 7680

Examiner: Tony Glen Soohoo

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement (12 pages) as set forth in the Office Action mailed November 21, 2005 for the above-identified application.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: December 8, 2005

By:

David T. Burse
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(37 C.F.R. §1.8)

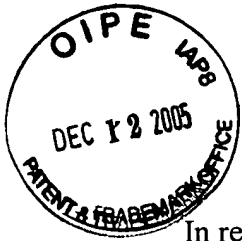
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 21, 2005, subject to the non-allowance of one or more of the linking claims 1, 24 and 45, Applicants hereby provisionally elect the invention of Group III, including claims 5-9, and 32-34, drawn to a mixing and dispensing apparatus with a mixing disc and/or blades. Applicants election is provisional in that, as acknowledged in the Office Action, upon the allowance of one or more of the linking claims, the restriction requirement is to be withdrawn as to the respective dependent claims.

Applicant further elects the species of "invention A" shown in Figures 1A-2, which reads on linking claim 1, and the elected claims 5-9. The remaining claims are withdrawn from prosecution for the time being, but remain pending in the application, in accordance with the listing of the claims and their current status identifiers that begins on page 2. Remarks begin on page 12.